IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

FRIDAY, THE 23RD NOVEMBER 2007 / 2ND AGRAHAYANA 1929

Crl.MC.No. 3494 of 2007()

CRIME NO. 376 OF 2006 OF PANANGAD POLICE STATION

PETITIONER: ACCUSED

SAJIL, AGED 36 YEARS, S/O.
SATHYAKEERTHI, THANDASSERY PARAMBIL,
COMBARA DESOM, ERNAKULAM VILLAGE,
KANAYANNOOR TALUK, ERNAKULAM DISTRICT.

BY ADV. SRI.P.M.ZIRAJ

RESPONDENTS: COMPLAINANT AND CW1

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1. STATE OF KERALA, REP. BY PUBLIC
PROSECUTOR, HONOURABLE HIGH COURT OF KERALA
AT ERNAKULAM REP. BY SUB INSPECTOR OF POLICE,
PANANGAD POLICE STATION IN CRIME NO.376 OF 2006.

2. SHEEBA, D/O.THANKAPPAN,
AGED 26 YEARS, ARYANTHARA HOUSE,
MUNDEMPALLY, PANAGADU DESOM, KUMBALAM VILLAGE,
KANAYANNOOR TALUK, ERNAKULAM DISTRICT.

R1 BY PUBLIC PROSECUTOR SRI. GIKKU JACOB
R2 BY ADV. E.A. THANKAPPAN

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 23/11/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

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Crl.M.C.No. 3494 of 2007

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Dated this the 23rd day of November, 2007

O R D E R

The petitioner is the husband of the defacto complainant who is arrayed as the second respondent in this case. The second respondent had filed an F.I. statement before the Panangad police, which is registered as Crime No.376 of 2006. The petitioner is alleged to have committed the offence punishable under section 498A I.P.C. Investigation is in progress.

2. The petitioner has now appeared before this court along with the second respondent to inform the court that the disputes between them have all been settled amicably. The second respondent has compounded the offence under Section 498A I.P.C. allegedly committed by the petitioner. In these circumstances, the composition may be accepted and the F.I.R. registered against the petitioner and all further action taken may be quashed, it is prayed.

3. The second respondent has entered appearance through counsel. The second respondent has filed an affidavit duly attested by the counsel, in which it is confirmed that there has been a settlement and composition as asserted by the petitioner.

4. Notice was given to the learned Prosecutor. He also submits that the State has no objection against the quashing of the F.I.R. in the given circumstances.

5. The offence under Section 498A I.P.C. is not compoundable. But the dictum in **B.S. Joshi** v. **State of Haryana** (AIR 2003 SC 1386) clearly shows that notwithstanding the fact that the offence is not compoundable, in the interests of matrimonial harmony and unnecessary disputes between the parties the composition can be accepted and premature termination of the proceedings can be brought about by the invocation of the extra ordinarily inherent jurisdiction under Section 482 Cr.P.C.

6. I am satisfied that this is an eminently fit case where such powers ought to be invoked and the parties saved of the further trauma of continuation of the proceedings.

7. This Crl.M.C. is accordingly allowed. Crime No.376 of 2006 of Panangad police station against the petitioner at the instance of the second respondent under Section 498A I.P.C. is hereby quashed.

(R. BASANT)
Judge

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